

I support the action proposed by Martin Spies. Both the genus name *Orthocladius* and the subfamily name ORTHOCLADIINAE are now very well-founded in chironomid taxonomy and nomenclature, and a subsequent change in these names would cause much confusion among both taxonomists and freshwater ecologists. I therefore urge the Commission to fix the type species of *Orthocladius* to *Chironomus oblidens* Walker, 1856 and to give the subfamily name ORTHOCLADIINAE Kieffer, 1911 precedence over both ERETMOPTERINAE Kellogg, 1900 and CLUNIONINAE Kieffer, 1906.

Comments on the proposed conservation of the specific name of *Lithocolletis oxyacanthae* Frey, 1855 (currently *Phyllonorycter oxyacanthae*; Insecta, Lepidoptera) by giving it precedence over *Lithocolletis pomonella* Zeller, 1846 (Case 3376; see BZN 64: 96–99)

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I read Paolo Triberti's application (Case 3376) about the synonymy of *Phyllonorycter oxyacanthae* (Frey, 1855) and *Phyllonorycter pomonella* (Zeller, 1846). In my opinion it is correct and in accordance with the Code's recommendations.

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While acting as referees to the paper 'The *Phyllonorycter* species from the Palaearctic Region feeding on ROSACEAE (Lepidoptera, Gracillariidae)' by Paolo Triberti we have pointed to the problem of the misidentification and confusion of three species: *Phyllonorycter oxyacanthae* (Frey, 1855), *P. pomonella* (Zeller, 1846) and a manuscript name *P. hostis* Triberti, 2007 (in press). During our own GRACILLARIIDAE studies, we have encountered the same problem as Triberti, namely the continuous confusion caused in many publications by the name *Lithocolletis pomonella* Zeller, 1846. That name has been applied to various species, e.g. *Phyllonorycter cydoniella* ([Denis & Schiffmüller]), 1775, *P. spinicolella* (Zeller, 1846), and *P. sorbi* (Frey, 1855). *P. oxyacanthae* (Frey, 1855) is a widely spread European species feeding on *Crataegus* spp. and *Pyrus* spp. (32 and 5 citations respectively from the 'Global Taxonomic Database of Gracillariidae (Lepidoptera)' (De Prins & De Prins, 2006), and this name has been used at least in 136 faunistic publications (see *Global Gracillariidae Database at the Royal Museum for Central Africa*, and De Prins & De Prins, 2005). The name *pomonella* Zeller, 1846 was used in at least 79 agricultural publications mainly to indicate a pest species on *Malus* without any taxonomic background. Therefore, we would like to support the proposition of Paolo Triberti and ask the International Commission on Zoological

Nomenclature to use its plenary power to overrule the Principle of Priority in this particular case and to give the name *oxyacanthae* Frey, 1855, as published in the binomen *Lithocolletis oxyacanthae*, precedence over the name *pomonella* Zeller, 1846, as published in the binomen *Lithocolletis pomonella* Zeller, 1846.

Additional references

- Denis, M. & Schiffermüller, I. 1775. *Ankündigung eines systematischen Werkes von den Schmetterlingen der Wienergegend herausgegeben von einigen Lehrern am k. k. Theresianum*. 323 pp., 2 pls. Augustin Bernardi, Wien.
- De Prins, W. & De Prins, J. 2005. Family Gracillariidae. In Landry, B. (Ed.), *World Catalogue of Insects*, vol. 6. 502 pp. Apollo Books, Stenstrup.
- De Prins, J. & De Prins, W. 2006. *Global Taxonomic Database of Gracillariidae. (Lepidoptera)*. World Wide Web electronic publication (<http://gc.bebif.be>) (Accessed March, 2007).

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I am writing to support the application of Dr Paolo Triberti of the Muso civico di Storia Naturale in Verona (Case 3376) on the proposed conservation of the specific name *Lithocolletis oxyacanthae* Frey, 1855 (currently *Phyllonorycter oxyacanthae*; Insecta, Lepidoptera) by giving it precedence over *Lithocolletis pomonella* Zeller, 1846.

Given the widespread use of the name *Phyllonorycter oxyacanthae* (Frey) since the description of the species and its consistent use with regard to host plant association, and given the continuous confusion regarding the meaning of the name *Lithocolletis pomonella* Zeller over time, I believe that this application is warranted and that the International Commission on Zoological Nomenclature should use its plenary power to overrule the Principle of Priority in this case to give the name *Lithocolletis oxyacanthae* Frey, 1855 precedence over the name *Lithocolletis pomonella* Zeller, 1846.

Comment on the proposed precedence of *Chelodina rugosa* Ogilby, 1890 (currently *Macrochelodina rugosa*; Reptilia, Testudines) over *Chelodina oblonga* Gray, 1841 (Case 3351; see BZN 63: 187–193, 64: 68)

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One of the reasons for the Principle of Priority is to protect good taxonomic work presented to science from being overwritten by future errors. This is relevant to current problems in Australian turtle names.

The case in question is one where a name, *Chelodina oblonga*, was correctly applied for 136 years. It has a valid type specimen that is extant in the collection of the Natural History Museum, London, as figured in Thomson (2000). Furthermore, the